

**FUNERAL DIRECTORS EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
MARCH 16, 1999**

PRESENT: Rick Unbehaun, Daniel Densow, W. Robert Cress, Roy Pfeffer,
Peter Schils (arrived at 10:30 a.m.)

ABSENT: Diane Pratt

STAFF PRESENT: Cletus Hansen, Jacquelynn Rothstein, Jan Neitzel; Other Department staff
and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Kim Richardson, Fortis Family
Janet Vick, FSA
Ashley Moore, FSA
Pete Christianson, Quarles & Brady
Ken Schmidt, FSA
Bill Cress, FSA
Dean Dicozursaz, FSA
Terry Schwartz , WFDA
Christine Jacob, FSA
Jordan Lamb, Dewitt Ross & Stevens

CALL TO ORDER

The meeting was called to order at 9:47 a.m. by Roy Pfeffer, Chair. A quorum of five members was present.

AGENDA

Addition to agenda: Discussion regarding winter burials .

MOTION: Daniel Densow moved, seconded by Robert Cress, to approve the agenda as amended. Motion carried unanimously.

MINUTES (01/19/99)

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Timelines in the Enforcement Complaint Handling Process

The Board discussed the Department's policy relating to the timelines on the enforcement complaint handling process.

Board Member Roster

The Board received an updated roster.

1999 Meeting Dates

The Board received a list of the 1999 meeting dates.

To Pass Folder

Information was circulated in the To Pass Folder and duly noted.

ELECTION OF OFFICERS

MOTION: Dan Densow moved, seconded by Rick Unbehaun , to nominate and unanimously elect Roy Pfeffer as Chair. Motion carried unanimously.

MOTION: Rick Unbehaun moved, seconded by Roy Pfeffer, to nominate and unanimously elect Dan Densow as Vice Chair. Motion carried unanimously.

MOTION: Robert Cress moved, seconded by Roy Pfeffer, to nominate and elect Rick Unbehaun as Secretary. Motion carried unanimously.

LEGISLATIVE UPDATE

Regulation of Crematories

Dan Densow advised that the draft relating to the regulation of crematories may be ready by the May Board meeting.

Certificates in Good Standing

The Board discussed LRB -0736/2nd relating to eliminating certificates in good standing for funeral director licenses. Clete Hansen advised that the legislation was not included in the Budget Bill.

The proposed legislation will need a legislative sponsor and be introduced in the Legislature. Rick Unbehaun and Robert Cress volunteered to talk with legislators regarding the proposed legislation.

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to reaffirm the Board's support of the proposed legislation and to obtain legislative sponsors and supporters for the bill. Motion carried unanimously.

Biennial Budget Bill

The Board received and discussed Bill Dusso's February 22, 1999, memo relating to statutory changes that directly affect the Department.

Clete Hansen explained that the Department uses a formula in determining renewal fees.

Winter Burials

The Board received and discussed SB 69 relating to the winter burials.

MOTION: Rick Unbehaun moved, seconded by Dan Densow, to support SB 69. Motion carried unanimously.

ADMINISTRATIVE RULES

FD 6-Solicitation Deadline

A hearing was held regarding the proposed administrative rules relating to the solicitation of prospective purchasers of burial agreements funded with the proceeds of a life insurance policy.

Testimony and written comments were presented in support or opposition of the rule.

Written comments will be considered until 3/30/99.

MOTION: Rick Unbehaun moved, seconded by Robert Cress, to approve the rule draft relating to telephone solicitation of life insurance policies being used for funeral purposes, and to authorize staff to forward the proposal to the legislative committees after the deadline for written comments, provided that no one files objections or suggestions for substantial amendment. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

The Board reviewed and discussed RL 8, relating to administrative warnings.

LICENSING ISSUES

Funeral Director in Charge of More Than One Funeral Home

Clete Hansen reported that letters were sent to owners or operators of funeral establishments that may have a funeral director in charge of more than one funeral establishment. Written responses were received.

The Board requested that Clete Hansen further clarify that there is a "full-time" practicing licensed person at each funeral home, including what evidence is needed to prove one is "readily available" and to clarify the meaning of "full-time" funeral director in charge.

MOTION: Rick Unbehaun moved, seconded by Robert Cress, to defer action on this issue until the next meeting. Motion carried unanimously.

Application for Funeral Establishment Change of Ownership vs. Stock Transfer

The Board discussed the recommendations of Rick Unbehaun in his letter of 2/19/99.

The Board discussed revisions to Form #397, Funeral Establishment Application.

MOTION: Peter Schils moved, seconded by Daniel Densow, that Jacquelynn Rothstein and Daniel Densow reword #6 on p. 62, regarding s. 445.12(6), Stats. Motion carried unanimously.

Funeral Director on Cemetery Boards

The Board discussed funeral home personnel (funeral directors, employees or anyone associated with a funeral home) being appointed to a Cemetery Board (whether private, municipal, or church-owned).

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to defer discussion to the next meeting and request that Jacquelynn Rothstein prepare an opinion on this issue. Motion carried unanimously.

Trust Funds for Burial Agreements

The Board noted the receipt of a letter from Harvey I. Lapin relating to trust funds for burial agreements.

MOTION: Robert Cress moved, seconded by Daniel Densow, to direct that Jacquelynn Rothstein prepare a legal opinion for review at the next meeting. Motion carried unanimously.

EXAMINATION ISSUES

Nothing to report

BOARD MEMBER ACTIVITY

Senate Confirmation Hearing

Roy Pfeffer announced that he attended a reappointment hearing before the Senate Committee.

Diane Pratt

The Board discussed Diane Pratt's absence from several Board meetings. Clete Hansen advised that he has not heard from Ms. Pratt.

MOTION: Peter Schils moved, seconded by Daniel Densow, that Clete Hansen contact Secretary Cummings and request that Ms. Pratt resign from the Board if she is unable to regularly attend meetings. Motion carried unanimously.

REPORT OF THE ADVISORY COMMISSION ON FUNERAL DIRECTORS APPRENTICESHIP ISSUES

Clete Hansen reported on the work of the Funeral Director Apprentice Advisory Committee. The Board received a copy of the January 27, 1999, Committee minutes and the Committee roster.

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Letter to Jay Kruger, Hamilton Funeral Service Centers, re: Funeral Establishment Applications. Discussed. The Board informally agreed that staff may process the applications from the Hamilton group.

NEW BUSINESS

No new business.

PUBLIC COMMENTS

Comments were noted relating to the sunset provision in FD 6.

RECESS TO CLOSED SESSION

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, monitoring issues, reinstatement requests, extension requests, examination challenges, deliberations on stipulations that may be signed after printing of the agenda, pending applications, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Robert Cress-yes; Daniel Densow-yes; Rick Unbehaun-yes; Peter Schils-yes; Roy Pfeffer-yes.

Open Session recessed and the Closed Session convened at 1:10 p.m.

CLOSED SESSION

The Board deliberated on a request for reinstatement of license and on a proposed disciplinary action.

RECONVENE IN OPEN SESSION

MOTION: Peter Schils moved, seconded by Daniel Densow, to reconvene in Open Session at 1:50 p.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

MOTION: Peter Schils moved, seconded by Rick Unbehaun, to reinstate Tracy Rhymer's license upon proof of completion of 15 hours of continuing education and retaking and passing the arts portion of the exam. Motion carried unanimously.

MOTION: Daniel Densow moved, seconded by Rick Unbehaun, to discipline Dan Newcomer in the form of a **reprimand**. Motion carried unanimously.

MOTION: Rick Unbehaun moved, seconded by Daniel Densow, that Clete Hansen send a letter to ECI regarding the funeral home license applications. Motion carried unanimously.

ADJOURNMENT

MOTION: Rick Unbehaun moved, seconded by Daniel Densow, to adjourn the meeting. Motion carried unanimously.

Meeting adjourned at 2:45 p.m.